

AARON M. GOLDSMITH, ESQ.
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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK**

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STEVEN COOPER,

Docket No.: **17 CV 1517 (NGG)(RLM)**

Plaintiff,

-against-

**AFFIRMATION IN
OPPOSITION**

CITY OF NEW YORK, DANIEL O'CONNOR,
LT. THOMAS JORDAN, PO JESSICA SCHRELL,
SGT. BRENDAN RYAN, SGT. ADAM KATRINCIC,
CPT. DESMOND MORALES, PO NICHOLAS
HORUN, LT. STEVEN MONA, and John Doe
Police Officers 1-10,

Defendants.

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AARON M. GOLDSMITH, an attorney duly admitted to practice before the Courts of the State of New York and the Federal Judiciary in the Eastern District of New York; affirms the following upon information and belief:

1. I am the attorney for Defendant DANIEL O'CONNOR in the above-captioned matter. As such I am familiar with the facts and circumstances herein.
2. I make this Affirmation/Declaration in support of Defendant O'CONNOR's Opposition to Plaintiff's motion to Amend the Complaint; with such other and further relief as this Court deems just and proper.
3. On or about March 17, 2017, Plaintiff filed a Complaint in the instant action alleging Assault against Defendant O'CONNOR, among several other allegations against the Defendants in whole.

4. After a great deal of litigation surrounding Defendants' desire to file a motion to dismiss pursuant to Rule 12(b)(6), the filing of an Amended Complaint and Plaintiff litigation pre-Answer discovery, eventually the motions were fully submitted.

5. By Decision/Order of this Court, dated September 29, 2018, the Defendants' motions for dismissal were granted. (Doc. 61)

6. On January 17, 2019, a pre-motion conference was held in which the Court issued a briefing schedule for Plaintiff's motion to Amend the Complaint.

7. On February 4, 2019, Plaintiff filed a motion to Amend his Complaint. (Docs.68, 69) with a Proposed Second Amended Complaint as an exhibit thereto.

8. On April 8, 2019, Your Affirmant filed a Substitution of Counsel and Notice of Appearance. (Docs. 76, 77) Immediately thereafter, this Court extended Defendant O'CONNOR's time to file an Opposition to Plaintiff's current motion to Amend his Complaint until May 3, 2019.

9. For the reasons stated in the accompanying Memorandum of Points and Authorities, Plaintiff's Motion to Amend (Docs.68, 69) must be denied in its entirety; with such other and further relief as this Court deems just and proper.

WHEREFORE, it is respectfully requested that this Court issue an Order denying Plaintiff's Motion to Amend the Complaint against Defendant O'CONNOR in its entirety; with such other and further relief as this Court deems just and proper.

Dated: April 29, 2019
New York, NY

Aaron M. Goldsmith
____s/_____
Aaron M. Goldsmith, Esq.
Attorney for Defendant O'CONNOR

CERTIFICATION OF MAILING

This is to certify that a copy of the foregoing was delivered via electronic means, this 29th day of April, 2019, in compliance with the local rules of practice and procedure, to the person(s) and/or entities as listed below.

UNITED STATES DISTRICT COURT
Clerk of the Court
225 Cadman Plaza East
Brooklyn, NY 11201

BARRY R. FEERST & ASSOC.
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Brooklyn, NY 11211
(718) 298-4938
yitzchok@brfesq.com

ALL CO-DEFENSE COUNSEL

At the addresses of record provided through the Electronic Case Filing network within the State of New York.

Aaron M. Goldsmith
____s/_____
AARON M. GOLDSMITH (AG4773)